

DELEGATE KIEFER: I do not know that we ever considered that. I do not know what you mean. I would assume that due process of law would apply to any kind of a situation involving a property right. I am not quite sure that I understand what you mean.

DELEGATE J. CLARK (presiding): Would you rephrase your question?

DELEGATE GRANT: A specific liberty or property in this situation would be such things as drivers' licenses issued by the Department of Motor Vehicles, which are picked up at a rather capricious rate? Would this apply to a situation like that?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: We did not consider that specific question, no, sir. I would assume, however, that if there was a capricious or arbitrary action, a proper solution to it would be a court action in which you would challenge the action as being against due process of law. But when you ask me what due process of law covers, it covers all life, liberty, and property, and it is the subject of a very wide range of cases by both Maryland courts. It appears in no less than three different articles in our present declaration of rights, and, of course, it is the fundamental concept on which the Supreme Court has brought into the orbit of state action these various amendments like the First, Fourth, Sixth, and Eighth. So it is hard for me to try to tell you what "due process" means except it seems to me to cover nearly everything now.

DELEGATE J. CLARK (presiding): Delegate Grant.

DELEGATE GRANT: Specifically, you did not intend to exclude privileges and licenses granted by the State on the ground that they were the property of the State rather than the property of the individual?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: No, we are only stating the very basic concept that an individual's rights cannot be taken away and his property cannot be taken away without due process. If it is a property right and is being taken without due process, then he is entitled to relief, because one of the basic concepts of this Declaration of Rights, as we have set them forth, is that they are justiciable, that is, they can be tested and tried in courts of law.

I hope that answers your question, because it is intended to be a very broad con-

cept to protect individual rights, and this may very well be one of them.

DELEGATE J. CLARK (presiding): Delegate Grant.

DELEGATE GRANT: I wanted to ascertain if you expect the very most liberal interpretation of this provision.

DELEGATE KIEFER (presiding): Yes, sir.

DELEGATE J. CLARK (presiding): Are there any further questions on section 5? Delegate Willoner.

DELEGATE WILLONER: Mr. Chairman, is it not true that in discussing the question of jury trials for minor offenses it was the intent of the Committee that they should continue because this was a very important right, even though the offense is a minor offense?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: That is correct.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Lloyd Taylor.

DELEGATE L. TAYLOR: The Committee voted to remain silent on the question of capital punishment. In section 5, part B, we have a statement pertaining to death, or life imprisonment. Is this going against the Committee's decision to remain silent on the question of capital punishment?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: No, we still have capital punishment, and we still have life imprisonment. All this does is state that in certain cases other than capital punishment or life imprisonment cases, certain actions can or should be taken. It has nothing to do with abolishing capital punishment.

DELEGATE J. CLARK (presiding): Delegate Taylor.

DELEGATE L. TAYLOR: Was the Committee unanimous on this particular section?

DELEGATE J. CLARK (presiding): Delegate Kiefer.

DELEGATE KIEFER: If you will wait just a moment, I will tell you what the vote was. I think I can tell you what it was. We have it on most of them, but a few we have not been able to find.

The score on 5(B) was 7 in favor, 5 against, and 3 abstentions.